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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,659	01/14/2004	John Andrew Larson	P2082US	3940
8968	7590	08/16/2005		
GARDNER CARTON & DOUGLAS LLP ATTN: PATENT DOCKET DEPT. 191 N. WACKER DRIVE, SUITE 3700 CHICAGO, IL 60606			EXAMINER SHAKERI, HADI	
			ART UNIT	PAPER NUMBER
			3723	

DATE MAILED: 08/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Pat

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/757,659	LARSON, JOHN ANDREW	
	<b>Examiner</b>	<b>Art Unit</b>	
	Hadi Shakeri	3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-31 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>011404</u> .  | 6) <input type="checkbox"/> Other: ____.                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 12-20 and 25-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Regarding claims 12 and 25, the language as recited renders the claims indefinite for eliminating or removing a limitation in the parent claim. The parent claims (1, 20) recite for the second cavity to include a ramp surface, but claims 12 and 25 recite a second cavity having a generally planar floor surface and a generally planar ceiling surface, effectively removing the limitation of a ramp surface. Specification as originally filed does not support a ramp surface defined in the second cavity on any other surface but the floor and/or the ceiling. A rejection under 112, 1<sup>st</sup> is not applied at this time, since it appears for the deficiency to be one of clarity rather than enablement.

4. Claim 17 recites the limitation "biasing member" in line 6. There is insufficient antecedent basis for this limitation in the claim. It appears it should be changed to, --contact member--, and not the "biasing mechanism".

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

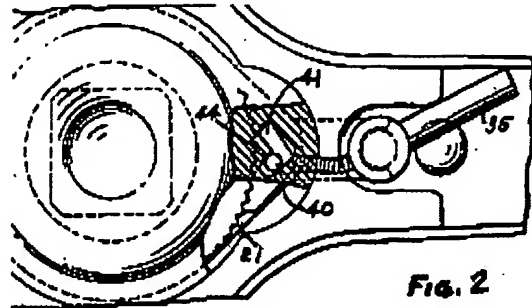
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. Claims 1-3, 6-15 and 17-19 (as best understood) are rejected under 35 U.S.C. 102(b) as being anticipated by Hare (3,019,682).

Hare discloses all of the limitations of claim 1, e.g., second cavity defining a ramp (41), pawl having a first catch portion rotatable about a pawl axis (rotation defining the ratcheting motion, i.e., about pin 40), a biasing mechanism (40, 30) carried by the pawl, with



at least one contact member (40) urged against the ramp (41) and movable along the surface, rotationally biasing the pawl.

Regarding claims 2, 3, 6-15 and 17-19, Hare meets the limitations, e.g., bore receiving the spring (30), gear (14) having an axis parallel to the axis of the pawl; ramp recessed in the case, and ramp located on the planar ceiling and/or floor of the second cavity (ceiling/floor, downwardly... depends on the orientation of the tool, lacking any limitations to define otherwise), wherein the ramp includes a second ramp surface defining a ridge.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4, 5 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hare.

Hare as explained above meets all of the limitations of claim 4, except for disclosing a ball instead of a pin as the contact member. It would have been obvious to one having ordinary

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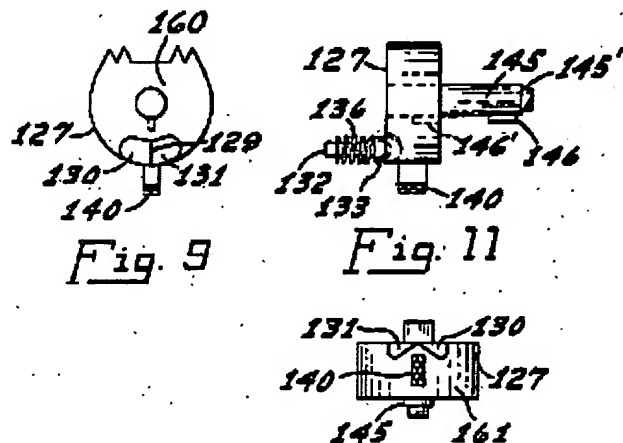
skill in the art at the time the invention was made to use a ball bearing, for economical reasons, since it has been held that changing shape, dependent on work-piece parameters, involves only routine skill in the art. *In re Stevens*, 101 US PQ 284(CCPA1954).

Regarding claim 5, the bore as disclosed by Hare does not include a downwardly section (as shown in Fig. 1), however, modifying the bore by providing a downwardly section to better secure the spring would within the knowledge of one of ordinary skill in the art.

Hare as explained above meets all of the limitations of claim 16, except for disclosing two contacts. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a second slot on the opposite side engaged with a second pin, to further control/guide the pawl, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

9. Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flynn (3,733,936).

Flynn meets all of the limitations of claims 1 and 20, e.g., ratchet mechanism including first and second cavities (Fig. 7), main gear (125), pawl (127) and biasing mechanism (ramps 130, 131; 136, 132, 133), except that the ramps are located on the pawl and not on the cavity containing the pawl, and the contact member and spring are housed in a bore in the cavity instead of the pawl. It would have been obvious to one having ordinary skill in the art at the time the invention was made to place the ramps on the cavity and the bore



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receiving the spring and the ball in the pawl, e.g., for ease of manufacturing and/or to prevent structurally weakening the wrench head, since it has been held that a mere reversal of the essential working parts of a devise involves only routine skill in the art. *In re Einstein*, 8 USPQ 167.

Regarding claims 2-19 and 21-31, Flynn in view of modifications applied above in section 8, meets the limitations.

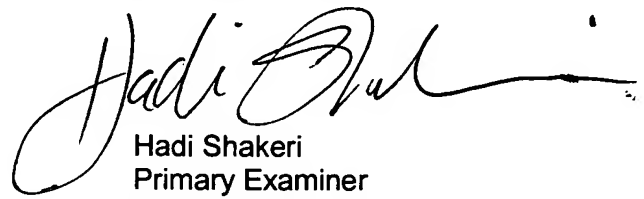
### ***Conclusion***

10. Prior art made of record and not relied upon are considered pertinent to applicant's disclosure. Hsieh and Krivec are cited to show related inventions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hadi Shakeri whose telephone number is (571) 272-4495. The examiner can normally be reached on Monday-Thursday.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hadi Shakeri  
Primary Examiner  
Art Unit 3723  
August 12, 2005